

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 512

DO NOT WRITE IN THIS SPACE

Case

01-CA-063309

Date Filed

08/24/11

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No.

617 496-9193

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

Massachusetts Hall,
Cambridge MA 0238

e. Employer Representative

William Murphy

g. e-Mail

bill_murphy@harvard.edu

h. Number of workers employed

i. Type of Establishment (factory, mine, wholesaler, etc.)

University

j. Identify principal product or service

Education

k. The above-named employer has engaged subsections (5)

and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1)(B)

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

within the meaning of the Act, or those unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and

concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, the above-named employer has unilaterally reduced bargaining unit members' hours.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

HUCTW/AFSCME local 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Harvard Union of Clerical and Technical Workers, American Federation of State, County and Municipal Employees

I declare that I have read the above charge and

DECLARATION
the statements are true to the best of my knowledge and belief

By

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Print name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

(date)

WILLFUL FALSE STATEMENTS ON THIS

CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information

is prohibited by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
RM 601
BOSTON, MA 02222-1072

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

August 25, 2011

WILLIAM MURPHY
HARVARD UNIVERSITY
124 MT. AUBURN STREET
SUITE 480 SOUTH
CAMBRIDGE, MA 02138

Re: Harvard University
Case 01-CA-063309

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney KEVIN MURRAY whose telephone number is (617)565-6720. If KEVIN MURRAY is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Rosemary Pye

Rosemary Pye
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Harvard University

CASE NUMBER

01-CA-063309

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

HARVARD UNIVERSITY

and

Charging Party

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 1
10 CAUSEWAY ST
RM 601
BOSTON, MA 02222-1072

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

August 25, 2011

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL TECHNICAL WORKER/
AMERICAN FEDERATION OF STATE COUNTY
AND MUNICIPAL EMPLOYEES

(b) (6), (b) (7)(C)

Re: Harvard University
Case 01-CA-063309

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on August 25, 2011 has been docketed as case number 01-CA-063309. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney KEVIN MURRAY whose telephone number is (617) 565-6720. If the Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our Website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our Website: www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our Website, www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Rosemary Pye

Rosemary Pye
Regional Director

cc: JOHN C. DEMPSEY
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL EMPLOYEES
1101 17TH ST NW
STE 900
WASHINGTON, DC 20036-4712



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

October 18, 2011

(b) (6), (b) (7)(C)
HARVARD UNIVERSITY CLERICAL TECHNICAL
WORKERS

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY
Case 01-CA-063309

Dear (b) (6), (b) (7)(C):

The Region has carefully considered the charge alleging that HARVARD UNIVERSITY violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and the Harvard Union of Clerical and Technical Workers have a contract currently in effect that provides for final and binding arbitration.
2. The issues of the hours worked by employees during the intercessions and the requirement that employees use their accumulated leave to make up for a loss of hours during those periods as alleged in the charge are encompassed by the terms of the collective-bargaining agreement.

3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.

4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I will dismiss the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award or Settlement: If the grievance is arbitrated, the Charging Party may ask the Board to review the arbitrator's award. The request must be in writing and addressed to me. Under current Board law, the request should analyze whether the arbitration process was fair and regular, whether the unfair labor practice allegations in the charge were considered by the arbitrator, and whether the award is consistent with the Act. Further guidance on this review is provided in *Spielberg Manufacturing Company*, 112 NLRB 1080 (1955) and *Olin Corp.*, 268 NLRB 573 (1984). These Board decisions are available on our website, www.nlr.gov. However, the current standard for review may change. The General Counsel's position is that the Board should modify its approach in Section 8(a)(1) and (3) cases and should not defer to an award unless the party urging deferral demonstrates that: (1) that the contract had the statutory right incorporated in it or the parties presented the statutory issue to the arbitrator; and (2) that the arbitrator correctly enunciated the applicable statutory

principles, and applied them in deciding the issue. The General Counsel is also taking the position that the Board should not defer to a pre-arbitral-award grievance settlement in Section 8(a)(1) and (3) cases unless the parties intended the settlement to also resolve unfair labor practice issues.

Charging Party's Right to Appeal: The Charging Party may appeal my decision to defer this charge by filing an appeal with the General Counsel of the National Labor Relations Board, through the Office of Appeals. An appeal may be filed by submitting the enclosed Appeal Form (form NLRB-4767), which is also available at www.nlr.gov. However, we encourage the Charging Party to submit a complete statement setting forth the facts and reasons why the decision to defer the charge is incorrect.

Means of Filing: An appeal may be filed electronically, by mail, or by delivery service. Filing an appeal electronically is preferred but not required. The appeal MAY NOT be filed by fax. To file an appeal electronically, go to the Agency's website at www.nlr.gov, click on **File Case Documents**, enter the **NLRB Case Number**, and follow the detailed instructions. To file an appeal by mail or delivery service, address the appeal to the General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1099 14th Street, N.W., Washington, D.C. 20570-0001.

Appeal Due Date and Time: The appeal is due on November 1, 2011. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If the appeal is mailed or sent by a delivery service, it must be received by the General Counsel in Washington, D.C. by the close of business at **5:00 p.m. Eastern Time** or be postmarked or given to the delivery service no later than October 31, 2011. If the appeal is not received when due, it will not be processed.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before** November 1, 2011.. The request may be filed electronically through the **File Case Documents** link on our website www.nlr.gov, by fax to (202) 273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after November 1, 2011, **even if it is postmarked or given to the delivery service before the due date**. If you file a request for an extension of time by fax, by mail, or by delivery service, please send a copy of the request for extension of time to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents

for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

Rosemary Pye
Regional Director

RP:cds

Enclosures

cc: GENERAL COUNSEL
 OFFICE OF APPEALS
 FRANKLIN COURT BUILDING
 NATIONAL LABOR RELATIONS
 BOARD
 1099 14TH STREET, NW
 WASHINGTON, DC 20570

ELIZABETH SEAMAN, ESQ.
HARVARD UNIVERSITY - OFFICE OF
THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3846

WILLIAM MURPHY
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
STE 480 SOUTH
CAMBRIDGE, MA 02138-5813

JOHN C. DEMPSEY, ATTORNEY
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES
1101 17th STREET N.W., SUITE 900
WASHINGTON, DC 20036-5687

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
01-CA-063309

NLRB Case Name: Harvard University

A determination has been made by the Regional Director of Region 01 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 01, 10 CAUSEWAY ST, BOSTON, MA 02222-1001 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
Room 8820, 1099 - 14th Street, N.W.
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

November 22, 2013

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY
OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

Re: Harvard University
Case 01-CA-063309

Dear Ms. SEAMAN:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc: WILLIAM MURPHY
DIRECTOR LABOR AND EMPLOYEE
RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN ST., SUITE 480
SOUTH
CAMBRIDGE, MA 02138-5813

WILLIAM LURYE
GENERAL COUNSEL
AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL
EMPLOYEES, LOCAL 101
1101 17TH ST NW, SUITE 900
WASHINGTON, DC 20036-4712

(b) (6), (b) (7)(C)

HARVARD UNION OF CLERICAL &
TECHNICAL WORKERS/
AFSCME LOCAL 3650

(b) (6), (b) (7)(C)

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 41 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case 01-CA-148077 Date Filed 3-11-2015

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

HARVARD UNIVERSITY,
HARVARD LIBRARY - INFORMATION AND TECHNICAL SERVICES

b. Tel. No (617) 495 2786

c. Cell No.

d. Address (Street, city, state, and ZIP code)

625 Massachusetts Ave
Cambridge, MA 02139

e. Employer Representative

William Murphy
Director Labor Relations

g. e-Mail

bill-murphy@harvard.edu

h. Number of workers employed

i. Type of Establishment (factory, mine, wholesaler, etc.)

UNIVERSITY

j. Identify principal product or service

EDUCATION

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8A(5)

of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The employer, in the past 6 months, has refused to give the union information regarding health and safety and building conditions. The employer has blocked union access to meetings, inspections.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Harvard Union of Clerical and Technical Workers / AFSCME 3650

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

15 Mount Auburn St
Cambridge, MA 02138

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

American Federation of State, County and Municipal Employees, AFL-CIO

(b) (6), (b) (7)(C)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No. (b) (6), (b) (7)(C)

By (signature of representative or person making charge)

Fax No.

e-Mail

625 Massachusetts Ave
Cambridge, MA 021393-11-2015
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



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March 13, 2015

HARVARD UNIVERSITY- HARVARD LIBRARY- INFORMATION AND TECHNICAL
SERVICES
625 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139-3357

Re: HARVARD UNIVERSITY, HARVARD
LIBRARY-INFORMATION AND
TECHNICAL SERVICES
Case 01-CA-148077

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617)565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617)565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

March 13, 2015

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg". The signature is fluid and cursive, with the first name "Jonathan" and last name "Kreisberg" clearly distinguishable.

JONATHAN B. KREISBERG
Regional Director

JBK/rd

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: WILLIAM MURPHY, DIRECTOR OF LABOR AND EMPLOYEE
RELATIONS
HARVARD UNIVERSITY
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3846

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAMEHARVARD UNIVERSITY, HARVARD LIBRARY-INFORMATION AND
TECHNICAL SERVICES**CASE NUMBER**

01-CA-148077

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES

NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods
valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems,
newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If
less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate
amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who
purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate
amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points
outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

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cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**HARVARD UNIVERSITY, HARVARD
LIBRARY-INFORMATION AND TECHNICAL
SERVICES**

Charged Party

and

**HARVARD UNION OF CLERICAL &
TECHNICAL WORKERS/AFSCME 3650**

Charging Party

Case 01-CA-148077

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 13, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3846

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

HARVARD UNIVERSITY- HARVARD LIBRARY- INFORMATION AND
TECHNICAL SERVICES
625 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139-3357

March 13, 2015

Date

Rosa Diaz, Designated Agent of NLRB

Name

/s/ Rosa Diaz

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



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March 13, 2015

(b) (6), (b) (7)(C)

HARVARD UNION OF CLERICAL & TECHNICAL WORKERS/AFSCME 3650
15 MOUNT AUBURN ST
CAMBRIDGE, MA 02138-6030

Re: HARVARD UNIVERSITY, HARVARD
LIBRARY-INFORMATION AND
TECHNICAL SERVICES
Case 01-CA-148077

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 11, 2015 has been docketed as case number 01-CA-148077. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617)565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617)565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

March 13, 2015

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG
Regional Director

JBK/rd

Copy of charge only sent to:

WILLIAM LURYE, GENERAL COUNSEL
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL
EMPLOYEES (AFSCME), AFL-CIO
1101 17TH STREET, N.W.
STE 900
WASHINGTON, DC 20036-4712

HARVARD UNIVERSITY, HARVARD
LIBRARY-INFORMATION AND
TECHNICAL SERVICES
Case 01-CA-148077

- 3 -

March 13, 2015

JANE CARTER, ASSISTANT DIRECTOR OF ORGANIZING AND
FIELD SERVICES
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1625 L ST NW
WASHINGTON, DC 20036-5665

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University, Harvard Library, Information and
Technical Services

and

Harvard Union of Clerical and Technical Workers, AFSCME
3650, (b) (6), (b) (7)(C)

CASE 01-CA-148077

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Employer, Harvard University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Elizabeth P. Seaman

MAILING ADDRESS: Harvard University, Office of the General Counsel, 1350 Massachusetts Avenue,
Richard A. and Susan F. Smith Campus Center, Suite 980, Cambridge, MA 02138

E-MAIL ADDRESS: elizabeth_seaman@harvard.edu

OFFICE TELEPHONE NUMBER: 617-496-2791

CELL PHONE NUMBER: 617-251-5629 FAX: 617-495-5079

SIGNATURE: _____

(Please sign in ink.)

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

May 28, 2015

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY, HARVARD
LIBRARY-INFORMATION AND
TECHNICAL SERVICES
Case 01-CA-148077

Dear Ms. Seaman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

JONATHAN B. KREISBERG
Regional Director

JBK/rd

cc: WILLIAM MURPHY, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1350 MASSACHUSETTS AVE
CAMBRIDGE, MA 02138-3846

HARVARD UNIVERSITY- HARVARD LIBRARY- INFORMATION AND
TECHNICAL SERVICES
625 MASSACHUSETTS AVE
CAMBRIDGE, MA 02139-3357

(b) (6), (b) (7)(C)

HARVARD UNION OF CLERICAL & TECHNICAL WORKERS/AFSCME 3650
15 MOUNT AUBURN ST
CAMBRIDGE, MA 02138-6030

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

DO NOT WRITE IN THIS SPACE

Case
01-CA-156003Date Filed
7/15/2015

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

HARVARD UNIVERSITY

b. Tel. No. (617) 496 3006

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

SMITH CAMPUS CENTER, Suite 980
1350 Massachusetts Ave
Cambridge, MA 02138-3834

e. Employer Representative

RANNA FARZAN
(OFFICE GEN. COUNSEL)

g. e-Mail ranna-farzan@harvard.edu

h. Number of workers employed

5000 +

i. Type of Establishment (factory, mine, wholesaler, etc.)

UNIVERSITY

j. Identify principal product or service

EDUCATION

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (11)

subsections) 5

of the National Labor Relations Act, and these unfair labor

practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Employer refuses to Bargain over Mandatory subjects (outsourcing, Automation)

Employer is implementing their proposed outsourced workflow (mid-Contract) despite union's requests for delay and more time to Bargain

Union requested and initiated bargaining,

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) HARVARD UNION OF CLERICAL AND TECHNICAL WORKERS, AFSCME 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

HARVARD UNION OF CLERICAL AND TECHNICAL WORKERS, AFSCME 3650

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No.

By

(Signature of representative or person making charge)

(Print/Type name and title or office, if any)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

(date) 7-15-2015

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

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ORIGINAL



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
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July 15, 2015

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY
Case 01-CA-156003

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 15, 2015 has been docketed as case number 01-CA-156003. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Examiner HOLLY BEAVERSTOCK whose telephone number is (617) 565-6736. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

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July 15, 2015

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

Jonathan B. Kreisberg
Regional Director

JBK/rwg

Copy of charge only sent to:

WILLIAM LURYE, GENERAL
COUNSEL
AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL
EMPLOYEES (AFSCME)
1101 17TH STREET, NW, SUITE 900
WASHINGTON, DC 20036

JANE CARTER, ASSISTANT
DIRECTOR OF ORGANIZING AND
FIELD SERVICES
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1625 L ST NW
WASHINGTON, DC 20036-5665



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
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Fax: (617)565-6725



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July 15, 2015

RANNA FARZAN, OFFICE/GENERAL COUNSEL
SMITH CAMPUS CENTER, SUITE 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138-3834

Re: HARVARD UNIVERSITY
Case 01-CA-156003

Dear Ms. Farzan:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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July 15, 2015

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

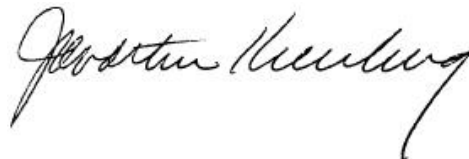
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



Jonathan B. Kreisberg
Regional Director

JBK/rwg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH P. SEAMAN,
UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF
THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

WILLIAM F. MURPHY, DIRECTOR
HARVARD UNIVERSITY, LABOR
AND EMPLOYEE RELATIONS
124 MOUNT AUBURN ST STE 480
CAMBRIDGE, MA 02138-5813

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

HARVARD UNIVERSITY

CASE NUMBER

01-CA-156003

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

**HARVARD UNION OF CLERICAL AND
TECHNICAL WORKERS, AFSCME 3650**

Charging Party

Case 01-CA-156003

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 15, 2015, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

RANNA FARZAN, OFFICE/GENERAL
COUNSEL
SMITH CAMPUS CENTER, SUITE 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138-3834

ELIZABETH P. SEAMAN, UNIVERSITY
ATTORNEY
HARVARD UNIVERSITY - OFFICE OF
THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

WILLIAM F. MURPHY, DIRECTOR
HARVARD UNIVERSITY, LABOR AND
EMPLOYEE RELATIONS
124 MOUNT AUBURN ST STE 480
CAMBRIDGE, MA 02138-5813

July 15, 2015

Date

Robert W. Gaffney, Designated Agent of
NLRB

Name

/s/ Robert W. Gaffney

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University

and

(b) (6), (b) (7)(C) Harvard Union of Clerical and Technical
Workers, AFSCME 3650

CASE 01-CA-156003

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Employer, Harvard University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Elizabeth P. Seaman

MAILING ADDRESS: Harvard University, Office of the General Counsel, 1350 Massachusetts Avenue,
Richard A. and Susan F. Smith Campus Center, Suite 980, Cambridge, MA 02138

E-MAIL ADDRESS: elizabeth_seaman@harvard.edu

OFFICE TELEPHONE NUMBER: 617-496-2791

CELL PHONE NUMBER: 617-251-5629 FAX: 617-495-5079

SIGNATURE:

(Please sign in ink.)

DATE:

Elizabeth Seaman
July 20, 2015

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

October 14, 2015

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY
Case 01-CA-156003

Dear Ms. SEAMAN:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc:

(b) (6), (b) (7)(C)

WILLIAM LURYE, GENERAL COUNSEL
AFSCME, AFL-CIO
1101 17TH ST., NW, SUITE 900
WASHINGTON, DC 20036

RANNA FARZA
OFFICE/GENERAL COUNSEL
SMITH CAMPUS CENTER, SUITE 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138-3834

JANE CARTER, ASSISTANT DIRECTOR
OF ORGANIZING & FIELD SERVICES
AFSCME, AFL-CIO
1625 L STREET, NW
WASHINGTON, DC 20036-5665

WILLIAM F. MURPHY, DIRECTOR
HARVARD UNIVERSITY
LABOR & EMPLOYEE RELATIONS
124 MOUNT AUBURN ST., SUITE 480
CAMBRIDGE, MA 02138-5813

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**Case
1-CA-197219Date Filed
4/19/17**INSTRUCTIONS:**

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT					
a. Name of Employer Harvard University Dining Services		b. Tel. No. (617) 823-3789			
		c. Cell No.			
		f. Fax No.			
d. Address (Street, city, state, and ZIP code) 945 memorial dr MA cambridge 02138-____		e. Employer Representative Maureen Russ General Manager			
				g. e-Mail maureen_russ@harvard.edu	
				h. Number of workers employed 30	
i. Type of Establishment (factory, mine, wholesaler, etc.) Others		j. Identify principal product or service hospitality			
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 3, 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.					
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)					
--See additional page--					
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C) Title:					
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)			
		4c. Cell No. (b) (6), (b) (7)(C)			
		4d. Fax No. (b) (6), (b) (7)(C)			
		4e. e-Mail (b) (6), (b) (7)(C)			
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)					
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.		Tel. No. (b) (6), (b) (7)(C)			
By (b) (6), (b) (7)(C) (signature of representative or person making charge)		Office, if any, Cell No. (b) (6), (b) (7)(C)			
Title: (b) (6), (b) (7)(C) (Print/type name and title or office, if any)		Fax No. (b) (6), (b) (7)(C)			
Address (b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)			
		04/19/2017 11:16:59 (date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)**PRIVACY ACT STATEMENT**

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Basis of the Charge

8(a)(3)

Within the previous six months, the Employer disciplined or retaliated against an employee(s) because the employee(s) joined or supported a labor organization and in order to discourage union activities and/or membership.

Name of employee disciplined/retaliated against	Type of discipline/retaliation	Approximate date of discipline/retaliation
(b) (6), (b) (7)(C)	demotion/shift change	(b) (6), (b) (7)(C) 2017

8(a)(5)

Within the previous six months, the Employer failed and refused to bargain in good faith with the union as the collective bargaining representative of its employees by failing to furnish information requested by the union.

Date of request	Employer representative	List items requested	Date refused
3/24/2017	(b) (6), (b) (7)(C)	list of chronos punches	3/27/2017



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
NLRB
Mobile App

April 20, 2017

Maureen Russ, General Manager
Harvard University Dining Services
945 Memorial Dr
Cambridge, MA 02138

Re: Harvard University Dining Services
Case 01-CA-197219

Dear Ms. Russ:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Lucy E. Reyes whose telephone number is (857)317-7800. If this Board agent is not available, you may contact Supervisory Attorney Laura A. Sacks whose telephone number is (857)317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

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Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

01-CA-197219

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY DINING SERVICES

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-197219

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 20, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Maureen Russ, General Manager
Harvard University Dining Services
945 Memorial Dr
Cambridge, MA 02138

April 20, 2017

Date

Andrea Seyfried, Designated Agent of
NLRB

Name

/s/Andrea Seyfried

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725



Download
NLRB
Mobile App

April 20, 2017

(b) (6), (b) (7)(C)

Re: Harvard University Dining Services
Case 01-CA-197219

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on April 19, 2017 has been docketed as case number 01-CA-197219. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Lucy E. Reyes whose telephone number is (857)317-7800. If this Board agent is not available, you may contact Supervisory Attorney Laura A. Sacks whose telephone number is (857)317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

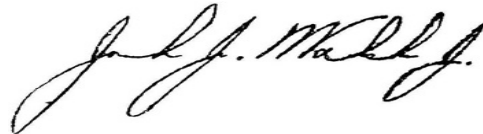
Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue

to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University
and
(b) (6), (b) (7)(C)

CASE 01-CA-197219

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Employer, Harvard University

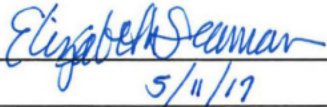
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Elizabeth P. Seaman		
MAILING ADDRESS:	Harvard University, Office of the General Counsel, 1350 Massachusetts Avenue, Richard A. and Susan F. Smith Campus Center, Suite 980, Cambridge, MA 02138		
E-MAIL ADDRESS:	elizabeth_seaman@harvard.edu		
OFFICE TELEPHONE NUMBER:	617-496-2791		
CELL PHONE NUMBER:	617-251-5629	FAX:	617-495-5079
SIGNATURE:			
DATE:	(Please sign in ink.) 5/11/17		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617) 565-6700
Fax: (617) 565-6725



Download
NLRB
Mobile App

July 11, 2017

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY DINING
SERVICES
Case 01-CA-197219

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney LUCY E. REYES whose telephone number is (857) 317-7800. If the agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JOHN J. WALSH, JR.
Regional Director

JJW/rg



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

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July 11, 2017

DAVID DAVIDSON, MANAGING DIRECTOR
HARVARD UNIVERSITY DINING SERVICES
124 MT. AUBURN ST.
CAMBRIDGE, MA 02138

Re: HARVARD UNIVERSITY DINING
SERVICES
Case 01-CA-197219

Dear Mr. DAVIDSON:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney LUCY E. REYES whose telephone number is (857) 317-7800. If the agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JOHN J. WALSH, JR.
Regional Director

JJW/rg

Enclosure: Copy of first amended charge

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
SMITH CAMPUS CENTER, SUITE 980
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
SUITE 480 SOUTH
CAMBRIDGE, MA 02138-5813

MICHAEL KRAMER, ORGANIZER
UNITE HERE LOCAL 26
33 HARRISON AVENUE, 4TH FLOOR
BOSTON, MA 02111

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY DINING SERVICES

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-197219

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 11, 2017, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

DAVID DAVIDSON, MANAGING DIRECTOR
HARVARD UNIVERSITY DINING SERVICES
124 MT. AUBURN ST.
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
SMITH CAMPUS CENTER, SUITE 980
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN STREET
SUITE 480 SOUTH
CAMBRIDGE, MA 02138-583

MICHAEL KRAMER, ORGANIZER
UNITE HERE LOCAL 26
33 HARRISON AVENUE, 4TH FLOOR
BOSTON, MA 02111

July 11, 2017

Date

Robert Gaffney, Designated Agent of NLRB

Name

/s/ Robert Gaffney

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

July 17, 2017

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
SMITH CAMPUS CENTER, SUITE 980
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
SUITE 480 SOUTH
CAMBRIDGE, MA 02138-5813

(b) (6), (b) (7)(C)

Re: Harvard University Dining Services
Case 01-CA-197219

Dear Ms. Seaman, Mr. Curran, and (b) (6), (b) (7)(C):

The Region has carefully considered the charge alleging that Harvard University Dining Services violated the National Labor Relations Act. As explained below, I have decided that further proceedings on the charge should be handled in accordance with the deferral policy of the National Labor Relations Board as set forth in *Collyer Insulated Wire*, 192 NLRB 837 (1971), and *United Technologies Corp.*, 268 NLRB 557 (1984). This letter explains that deferral policy, the reasons for my decision to defer further processing of the charge, and the Charging Party's right to appeal my decision.

Deferral Policy: The Board's deferral policy provides that the Board will postpone making a final determination on a charge when a grievance involving the same issue can be processed under the grievance/arbitration provision of the applicable contract. This policy is partially based on the preference that the parties use their contractual grievance procedure to achieve a prompt, fair, and effective settlement of their disputes. Therefore, if an employer agrees to waive contractual time limits and process the related grievance through arbitration if necessary, the Board's Regional Office will defer the charge.

Decision to Defer: Based on our investigation, I am deferring further proceedings on the charge in this matter to the grievance/arbitration process for the following reasons:

1. The Employer and UNITE HERE INTERNATIONAL UNION LOCAL 26 have a collective-bargaining agreement currently in effect that provides for final and binding arbitration.
2. The retaliatory change of (b) (6), (b) (7)(C) hours for filing a grievance, as generally alleged in the charge, is encompassed by the terms of the collective-bargaining agreement.
3. The Employer is willing to process a grievance concerning the issues in the charge, and will arbitrate the grievance if necessary. The Employer has also agreed to waive any time limitations in order to ensure that the arbitrator addresses the merits of the dispute.
4. Since the issues in the charge appear to be covered by provisions of the collective-bargaining agreement, it is likely that the issues may be resolved through the grievance/arbitration procedure.

Further Processing of the Charge: As explained below, while the charge is deferred, the Regional office will monitor the processing of the grievance and, under certain circumstances, will resume processing of the charge.

Charging Party's Obligation: Under the Board's *Collyer* deferral policy, the Charging Party has an affirmative obligation to file a grievance, if a grievance has not already been filed. If the Charging Party fails either to promptly submit the grievance to the grievance/arbitration process or declines to have the grievance arbitrated if it is not resolved, I may dismiss the charge.

Union/Employer Conduct: If the Union or Employer fails to promptly process the grievance under the grievance/arbitration process; declines to arbitrate the grievance if it is not resolved; or if a conflict develops between the interests of the Union and the Charging Party, I may revoke deferral and resume processing of the charge.

Charged Party's Conduct: If the Charged Party prevents or impedes resolution of the grievance, raises a defense that the grievance is untimely filed, or refuses to arbitrate the grievance, I will revoke deferral and resume processing of the charge.

Monitoring the Dispute: Approximately every 90 days, the Regional Office will ask the parties about the status of this dispute to determine if the dispute has been resolved and if continued deferral is appropriate. However, at any time, a party may present evidence and request dismissal of the charge, continued deferral of the charge, or issuance of a complaint.

Notice to Arbitrator Form: If the grievance is submitted to an arbitrator, please sign and submit to the arbitrator the enclosed "Notice to Arbitrator" form to ensure that the Region receives a copy of an arbitration award when the arbitrator sends the award to the parties.

Review of Arbitrator's Award: If the grievance is arbitrated, the Charging Party may ask the Board to review the arbitrator's award. The request must be in writing and addressed to me. Because the parties have explicitly authorized the arbitrator to decide the statutory issue in this case, the Board's deferral standards applicable in this case are those set forth in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014), which is available on our website, www.nlr.gov. Any request for review of an arbitrator's award should analyze (1) whether the parties explicitly authorized the arbitrator to decide the statutory issue; (2) whether the arbitrator was presented with and considered the statutory issue, or was prevented from doing so by the party opposing deferral; and (3) whether Board law reasonably permits the award. The party urging deferral has the burden to prove these standards are met.

Review of Grievance Settlement: If the grievance is settled, the Charging Party may ask the Board to review the grievance settlement. The Board's deferral standards applicable to any grievance settlement in this case are also set forth in *Babcock & Wilcox Construction Co.*, 361 NLRB No. 132 (2014). Any request for review of a grievance settlement should analyze (1) whether the parties intended to settle the unfair labor practice issue; (2) whether the parties addressed the statutory issue in the settlement; and (3) whether Board law reasonably permits the grievance settlement agreement. The party urging deferral has the burden to prove these standards are met. In assessing whether to defer to the settlement, I will also consider the factors identified by the Board in *Independent Stave Co.*, 287 NLRB 740, 743 (1987).

Charging Party's Right to Appeal: The Charging Party may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File documents;
- 2) Enter your NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel** at the **National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **July 31, 2017**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service **no later than July 30, 2017. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before July 31, 2017**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received after July 31, 2017, **even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

July 17, 2017

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", with a stylized, cursive script.

JOHN J. WALSH, JR.
Regional Director

JJW:cds

Enclosures

cc: DAVID DAVIDSON, MANAGING DIRECTOR
HARVARD UNIVERSITY DINING SERVICES
124 MT. AUBURN ST.
CAMBRIDGE, MA 02138-

MICHAEL KRAMER, ORGANIZER
UNITE HERE LOCAL 26
33 HARRISON AVENUE, 4TH FLOOR
BOSTON, MA 02111

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
NOTICE TO ARBITRATOR

TO: _____
(Arbitrator)

(Address)

NLRB Case Number
01-CA-197219

NLRB Case Name: Harvard University Dining Services

A determination has been made by the Regional Director of Region 01 of the National Labor Relations Board to administratively defer to arbitration the further processing of the NLRB charge in the above matter. Further, both parties to the NLRB case have agreed to proceed to arbitration before you in order to resolve the dispute underlying the NLRB charge.

So that the Regional Director can be promptly informed of the status of the arbitration, the undersigned hereby requests that a copy of the arbitration award be sent to Regional Director, Region 01, 10 Causeway St Fl 6, Boston, MA 02222-1001 at the same time that it is sent to the parties in the arbitration.

(Name)

(Title)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

I am appealing the action of the Regional Director in deferring the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

FORM EXEMPT UNDER 44 U.S.C. 3512

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case 01-CA-207761 Date Filed 10/11/2017

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Harvard University Dining Services		b. Tel. No. 6174954812
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 65 Winthrop St Cambridge Ma 02138	e. Employer Representative David Davidson	g. e-Mail david_davidson@harvard.edu
		h. Number of workers employed
i. Type of Establishment (factory, mine, wholesaler, etc.) Dining services	j. Identify principal product or service FOOD AND BEVERAGE	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

On (b) (6), (b) (7)(C) 2017 I presented (b) (6), (b) (7)(C) of Dunster Mather dining hall with a grievance on behalf of the staff for work overage issues theyd been experiencing since returning to work on 8/14/17. I had previous conversations with (b) (6), (b) (7)(C) as the (b) (6), (b) (7)(C) for that unit asking that (b) (6), (b) (7)(C) call in more assistance and post more positions. After I left at 3pm (b) (6), (b) (7)(C) gathered the staff for regular premea at 4pm in which (b) (6), (b) (7)(C) addressed the staff about the grievance (b) (6), (b) (7)(C) had recieved. (b) (6), (b) (7)(C) then continued to accuse the staff as being the cause of the work overage due to tardiness or call outs. The next day (b) (6), (b) (7)(C) was timing staff members on their tasks and berating them. (b) (6), (b) (7)(C) told one worker that (b) (6), (b) (7)(C) shouldnt complain of work overage when (b) (6), (b) (7)(C) been gone from (b) (6), (b) (7)(C) station for over 15min. (b) (6), (b) (7)(C) was unaware that that worker was actually completing another task

(b) (6), (b) (7)(C) ng charge (if labor organization, give full name, including local name and number)

4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No.
	4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Unite Here Local 26

(b) (6), (b) (7)(C)		6. DECLARATION	Tel. No.
I declare that I have read the (b) (6), (b) (7)(C) and that the statements are true to the best of my knowledge and belief.			
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	Office, if any, Cell No.
(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)	Fax No.
			e-Mail
Address		10/9/17	(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617) 565-6700
Fax: (617) 565-6725



Download
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Mobile App

October 12, 2017

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY DINING
SERVICES
Case 01-CA-207761

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on October 11, 2017 has been docketed as case number 01-CA-207761. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney MIRIAM HASBUN whose telephone number is (857) 317-7939. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "John J. Walsh, Jr.", written in a cursive style.

JOHN J. WALSH, JR.
Regional Director

JJW/rg



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617) 565-6700
Fax: (617) 565-6725



Download
NLRB
Mobile App

October 12, 2017

DAVID DAVIDSON
HARVARD UNIVERSITY DINING SERVICES
65 WINTHROP STREET
CAMBRIDGE, MA 02138-5907

Re: HARVARD UNIVERSITY DINING
SERVICES
Case 01-CA-207761

Dear Mr. Davidson:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Attorney MIRIAM HASBUN whose telephone number is (857) 317-7939. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (857) 317-7802.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you

recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JOHN J. WALSH, JR.
Regional Director

JJW/rg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
SMITH CAMPUS CENTER, SUITE 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN STREET, SUITE 480 SOUTH
CAMBRIDGE, MA 02138-5813

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

01-CA-207761

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY DINING SERVICES

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-207761

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 12, 2017, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

DAVID DAVIDSON
HARVARD UNIVERSITY DINING SERVICES
65 WINTHROP STREET
CAMBRIDGE, MA 02138-5907

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
SMITH CAMPUS CENTER, SUITE 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN STREET, SUITE 480 SOUTH
CAMBRIDGE, MA 02138-5813

October 12, 2017

Date

Robert Gaffney, Designated Agent of
NLRB

Name

/s/ Robert Gaffney

Signature

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University

and

(b) (6), (b) (7)(C)

CASE 01-CA-207761

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Employer, Harvard University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Elizabeth P. Seaman

MAILING ADDRESS: Harvard University, Office of the General Counsel, 1350 Massachusetts Avenue,
Richard A. and Susan F. Smith Campus Center, Suite 980, Cambridge, MA 02138

E-MAIL ADDRESS: elizabeth_seaman@harvard.edu

OFFICE TELEPHONE NUMBER: 617-496-2791

CELL PHONE NUMBER: 617-251-5629 FAX: 617-495-5079

SIGNATURE:

(Please sign in ink)

DATE:

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

December 26, 2017

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY DINING
SERVICES
Case 01-CA-207761

Dear (b) (6), (b) (7)(C):

We have carefully investigated and considered your charge that HARVARD UNIVERSITY DINING SERVICES has violated the National Labor Relations Act.

Decision to Dismiss: Based on that investigation, I have decided to dismiss your charge for the reasons discussed below.

The investigation disclosed insufficient evidence to establish that the Employer, through (b) (6), (b) (7)(C), interfered with, restrained, or coerced employees in violation of the Act. Rather, the investigation disclosed that (b) (6), (b) (7)(C) asked employees at a pre-meal meeting why they felt overworked, and then stated that if employees stopped calling out and arriving late they would not be overworked. The investigation failed to reveal evidence of threats of reprisal at that meeting. Furthermore, no evidence suggests that any employee questioned by (b) (6), (b) (7)(C) was disciplined or threatened during or after the exchange. I am, therefore, refusing to issue complaint in this matter.

Your Right to Appeal: You may appeal my decision to the General Counsel of the National Labor Relations Board, through the Office of Appeals.

Means of Filing: An appeal may be filed electronically, by mail, by delivery service, or hand-delivered. To file electronically using the Agency's e-filing system, go to our website at www.nlr.gov and:

- 1) Click on E-File Documents;
- 2) Enter the NLRB Case Number; and,
- 3) Follow the detailed instructions.

Electronic filing is preferred, but you also may use the enclosed Appeal Form, which is also available at www.nlr.gov. You are encouraged to also submit a complete statement of the facts and reasons why you believe my decision was incorrect. To file an appeal by mail or delivery service, address the appeal to the **General Counsel at the National Labor Relations Board, Attn: Office of Appeals, 1015 Half Street SE, Washington, DC 20570-0001**. Unless filed electronically, a copy of the appeal should also be sent to me.

The appeal MAY NOT be filed by fax or email. The Office of Appeals will not process faxed or emailed appeals.

Appeal Due Date: The appeal is due on **January 9, 2018**. If the appeal is filed electronically, the transmission of the entire document through the Agency's website must be completed **no later than 11:59 p.m. Eastern Time** on the due date. If filing by mail or by delivery service an appeal will be found to be timely filed if it is postmarked or given to a delivery service **no later than January 8, 2018. If an appeal is postmarked or given to a delivery service on the due date, it will be rejected as untimely.** If hand delivered, an appeal must be received by the General Counsel in Washington D.C. by 5:00 p.m. Eastern Time on the appeal due date. If an appeal is not submitted in accordance with this paragraph, it will be rejected.

Extension of Time to File Appeal: The General Counsel may allow additional time to file the appeal if the Charging Party provides a good reason for doing so and the request for an extension of time is **received on or before January 9, 2018**. The request may be filed electronically through the *E-File Documents* link on our website www.nlr.gov, by fax to (202)273-4283, by mail, or by delivery service. The General Counsel will not consider any request for an extension of time to file an appeal received **after January 9, 2018, even if it is postmarked or given to the delivery service before the due date**. Unless filed electronically, a copy of the extension of time should also be sent to me.

Confidentiality: We will not honor any claim of confidentiality or privilege or any limitations on our use of appeal statements or supporting evidence beyond those prescribed by the Federal Records Act and the Freedom of Information Act (FOIA). Thus, we may disclose an appeal statement to a party upon request during the processing of the appeal. If the appeal is successful, any statement or material submitted with the appeal may be introduced as evidence at a hearing before an administrative law judge. Because the Federal Records Act requires us to keep copies of case handling documents for some years after a case closes, we may be required by the FOIA to disclose those documents absent an applicable exemption such as those that protect confidential sources, commercial/financial information, or personal privacy interests.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Elizabeth A. Gemperline". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Gemperline" clearly legible.

Elizabeth A. Gemperline
Acting Regional Director

EAG:cds

Enclosure

cc: DAVID DAVIDSON
HARVARD UNIVERSITY DINING SERVICES
65 WINTHROP ST
CAMBRIDGE, MA 02138-5907

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL
COUNSEL
1350 MASSACHUSETTS AVE STE 980
SMITH CAMPUS CENTER, SUITE 980
CAMBRIDGE, MA 02138-3846

PAUL R. CURRAN, DIRECTOR OF LABOR AND
EMPLOYEE RELATIONS
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
SUITE 480 SOUTH
CAMBRIDGE, MA 02138-5813

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

APPEAL FORM

To: General Counsel
Attn: Office of Appeals
National Labor Relations Board
1015 Half Street SE
Washington, DC 20570-0001

Date:

Please be advised that an appeal is hereby taken to the General Counsel of the National Labor Relations Board from the action of the Regional Director in refusing to issue a complaint on the charge in

Case Name(s).

Case No(s). *(If more than one case number, include all case numbers in which appeal is taken.)*

(Signature)

INTERNET
FORM NLRB-501
(2-06)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer <i>Harvard University</i>		b. Tel. No. <i>(617) 496-2316</i>
d. Address (Street, city, state, and ZIP code) <i>124 Mount Auburn Cambridge, MA 02138</i>		c. Cell No.
e. Employer Representative <i>HR Directors various departments</i>		f. Fax No.
i. Type of Establishment (factory, mine, wholesaler, etc.) <i>Education</i>		g. e-Mail
j. Identify principal product or service <i>various, departmental</i>		h. Number of workers employed <i>500+</i>
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (1st subsections) <i>sections 7 and 8 (3)</i> of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The purpose FOR this charge is to report hiring discrimination as a result of exclusion from interviews and employment from the employer above.

Race, gender, sexual orientation, sex, veteran's status, union affiliation, age are factors associated with the employment discrimination. Color and disability are also factors.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)		(b) (6), (b) (7)(C)
4a. Address (Street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)		4b. Tel. No. (b) (6), (b) (7)(C)
		4c. Cell No. (b) (6), (b) (7)(C)
		4d. Fax No.
		4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

not applicable / unknown

6. DECLARATION

(b) (6), (b) (7)(C)		Tel. No.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		Fax No.	(b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)		e-Mail	
Address (b) (6), (b) (7)(C)		Date <i>08/02/2011</i> (date)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 16
819 TAYLOR ST
RM 8A24
FORT WORTH, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

September 9, 2011

WILLIAM MURPHY
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
CAMBRIDGE, MA 02138-5813

Re: Harvard University
Case 16-CA-064215

DEAR MR. MURPHY:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Resident Officer STEVE E. MARTINEZ whose telephone number is (210)472-6144. The mailing address is 615 E HOUSTON ST STE 559, SAN ANTONIO, TX 78205-2039. If STEVE E. MARTINEZ is not available, you may contact Assistant to the Regional Director OFELIA GONZALEZ whose telephone number is (817) 978-2939.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARTHA KINARD
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

Harvard University

CASE NUMBER

16-CA-064215

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 16-CA-064215

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 9, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
CAMBRIDGE, MA 02138-5813

September 9, 2011

Date

Cynthia Davis, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 TAYLOR ST
RM 8A24
FORT WORTH, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

September 9, 2011

(b) (6), (b) (7)(C)

Re: Harvard University
Case 16-CA-064215

DEAR (b) (6), (b) (7)(C):

The charge that you filed in this case on September 7, 2011 has been docketed as case number 16-CA-064215. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Resident Officer STEVE E. MARTINEZ whose telephone number is (210) 472-6144. The mailing address is 615 E HOUSTON ST STE 559, SAN ANTONIO, TX 78205-2039. If the Board agent is not available, you may contact Assistant to the Regional Director OFELIA GONZALEZ whose telephone number is (817) 978-2939.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our Website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our Website: www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our Website, www.nlrb.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

MARTHA KINARD
Regional Director



HARVARD UNIVERSITY
OFFICE OF THE GENERAL COUNSEL

Marilyn G. Schriever
Legal Services Manager
m_schriever@harvard.edu

Holyoke Center 980
1350 Massachusetts Avenue
Cambridge, Massachusetts 02138-3834

t.617.495.9699
f.617.495.5079

September 23, 2011

Steve E. Martinez, Resident Officer
National Labor Relations Board, Region 16
615 E. Houston St., Suite 559
San Antonio, TX 78205

Re: Harvard University
Case 16-CA-064215

Dear Mr. Martinez:

Please enter my appearance in the above referenced case on behalf of Harvard University. As requested, I am enclosing the completed Questionnaire on Commerce Information.

Harvard will submit its position statement to you shortly. In the meantime, please contact me at (617) 495-9699 or by email at marilyn_schriever@harvard.edu if you have questions.

Very truly yours,

Marilyn G. Schriever
Legal Services Manager

Enclosure



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
REGION 16
819 TAYLOR ST
RM 8A24
FORT WORTH, TX 76102-6107

Agency Website: www.nlrb.gov
Telephone: (817)978-2921
Fax: (817)978-2928

October 20, 2011

MARILYN SCHRIEVER
LEGAL SERVICES MGR.
HARVARD UNIVERSITY
HOLYOKE CENTER, ROOM 980
1350 MASSACHUSETTS AVENUE
CAMBRIDGE, MA 02138

Re: Harvard University
Case 16-CA-064215

DEAR MS. SCHRIEVER:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

MARTHA KINARD
Regional Director

cc: WILLIAM MURPHY
HARVARD UNIVERSITY
124 MOUNT AUBURN ST
CAMBRIDGE, MA 02138-5813

(b) (6), (b) (7)(C) [REDACTED]
[REDACTED]